

ORDINANCE NO. 1762

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1712, THE MILWAUKIE ZONING ORDINANCE, AND ORDINANCE NUMBER 1440, THE SUBDIVISION ORDINANCE (TITLE 17 OF THE CITY OF MILWAUKIE MUNICIPAL CODE) (ZA-94-02A)**

**WHEREAS**, Oregon Administrative Rule Chapter 660-12-055 and 660-12-045 require affected cities to adopt appropriate amendments to local ordinances to provide standards for pedestrian, bicycle and transit opportunities in new development and redevelopment proposals; and

**WHEREAS**, said amendments for jurisdictions within Metropolitan Planning Organizations are to be adopted by May 8, 1994; and

**WHEREAS**, Milwaukie is an incorporated municipality within the Metro Planning Organization; and

**WHEREAS**, the Milwaukie Planning Commission has reviewed the requirements of Oregon Administrative Rule Chapter 660, has developed appropriate amendments to carry out the Administrative Rule, and has held two public hearings on April 26, and May 10, 1994, resulting in a recommendation to the City Council that certain amendments be adopted to the Milwaukie Zoning and Subdivision Ordinances; and

**WHEREAS**, the Milwaukie City Council held a hearing on said matter on May 17, 1994;

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:**

Section 1. Findings. Findings of fact in support of the proposed amendment language contained in ZA-94-02A are as follows:

1. This application is a legislative action and is being processed as stipulated by provisions of Section 1011.5(B) of the Milwaukie Zoning Ordinance.
2. Objective #2, Chapter 2 of the Milwaukie Comprehensive Plan states that the City is to:

**Implement this Plan through appropriate ordinances and action.**

In that the City has taken action to comply with statewide Oregon Administrative Rule by reviewing and revising its Zoning and Subdivision Ordinances, the proposed amendments that are a result of that review are appropriate and comply with this Plan Objective.

3. Objective #2, Policies, Chapter 2 of the Milwaukie Comprehensive Plan states that the City's obligations are to:

1. **Amend existing ordinances and adopt new ordinances to carry out the policies of this Plan as necessary.**

In that the proposed amendments to the Milwaukie Zoning and Subdivision Ordinances carry out the Transportation Element Goal Statement to stress improvement and further development of alternative travel modes, the proposed amendments are in compliance with policy stated in the Transportation Element Goal of the Comprehensive Plan.

3. **All zoning and subdivision ordinances will be consistent with the intent and be based on this Comprehensive Plan.**

In that the proposed amendments to the Milwaukie Zoning and Subdivision Ordinances are directly related to new Plan policy additions that stress review of new development and redevelopment for implementation of appropriate pedestrian, bicycle and transit opportunities, the proposed amendments are consistent with the intent of the Transportation Element of the Comprehensive Plan.

4. Section 904.1 of the Milwaukie Zoning Ordinance requires that evidence be presented that the following requirements are satisfied:

**A. Applicable requirements of Section 1003.**

Section 1003 prescribes requirements for plans and specifications regarding a specific site. As a legislative amendment proposal not related to any specific property, this criterion is not applicable.

**B. Reasons for requesting the proposed text amendments.**

The proposed Zoning and Subdivision amendments are the result of the City's effort to comply with the provisions of OAR 660-12-055 and 660-12-045.

**C. Explanation of how the proposed text amendment is consistent with other provisions of this Ordinance.**

Because of the requirement to comply with all other relevant portions of OAR Chapter 660 in the near future, it is appropriate to add at this time a section to the Zoning Ordinance titled "Transportation Planning, Design Standards and Procedures" to address the immediate requirements of specific OAR sections; to add appropriate definitions to the Zoning Ordinance; to amend the off-street parking and loading section of the Zoning Ordinance; and to amend the appropriate sections of the Subdivision Ordinance so as to strengthen implementation of multi-modal options and to provide clear, objective, and consistent standards to be applied to all new development and redevelopment proposals.

**D. The approval criteria of Section 905.**

See below.

5. Section 905.1 of the Milwaukie Zoning Ordinance requires that the burden of proof for amendments to the City's implementing ordinances be stated, using the following criteria:

**A. The proposed amendment must conform to applicable Comprehensive Plan goals, policies, and objectives and be consistent with the provisions of city ordinances.**

In that the proposed amendments to the Milwaukie Zoning and Subdivision Ordinances are directly related to new Plan policy additions that stress review of development and redevelopment for implementation of appropriate pedestrian, bicycle and transit opportunities, the proposed amendments are consistent with the intent of the Transportation Element Goal Statement of the Comprehensive Plan.

**B. The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing**

development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weight these factors in determining the intent of the proposed zone.

This criterion prescribes requirements for plans and specifications regarding a specific zone. As a legislative amendment proposal not related to any specific property, this criterion is not applicable.

C. The proposed amendment will meet or can be determined to reasonably meet applicable, regional, state, or federal regulations.

No testimony has been received to indicate that the proposed amendments will not meet State regulations as they have been prepared using guidelines provided by State agencies, and as no adverse testimony from regional or State agencies has been received.

D. The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.

To the best extent possible, the proposed amendments, while adding some multi-modal standards to be addressed on any new development or redevelopment proposal, do not significantly restrict potential development within the City. A variance procedure has been added to Section 1400 to assure that development with existing site constraints can be approved while carrying out the appropriate pedestrian, bicycle and transit accommodation stipulated by the Ordinances.

Section 2. Text Amendments to the Zoning Ordinance. The Zoning Ordinance text of Ordinance Number 1712 is amended as described in Exhibit A, and Table 1405 shall replace all previously-adopted tables of this nature, both in the Comprehensive Plan and the Zoning Ordinance.

Section 3. Text Amendments to the Subdivision Ordinance. The Subdivision Ordinance text of Ordinance Number 1440 is amended as described in Exhibit B, and Table 6.02 shall replace all previously adopted tables of this nature.

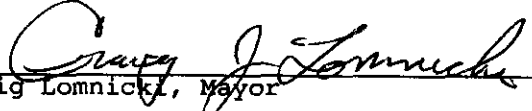
Section 4. Emergency. As this ordinance is necessary for the immediate preservation of the health, safety and welfare of the citizens of the city, an emergency is hereby declared and this ordinance shall be effective immediately upon passage by the Council.

Read the first time on May 17, 1994, and moved to a second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on May 17, 1994.

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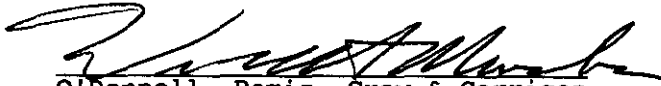
Signed by the Mayor on May 17, 1994.

  
\_\_\_\_\_  
Craig Lomnicki, Mayor

ATTEST:

  
\_\_\_\_\_  
Pat DuVal, City Recorder

Approved as to form:

  
\_\_\_\_\_  
O'Donnell, Ramis, Crew & Corrigan  
City Attorney

SECTION 100 - INTRODUCTORY PROVISIONS

ZA-94-02A: Amendments to the  
Zoning Ordinance  
(14 pages)  
**BOLD CAPS** = Proposed new text  
~~Strikeout~~ = Proposed deleted text

**Automobile service station:** Means a retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles. These may include petroleum products, tires, batteries, automotive accessories and replacement items, washing and lubrication services, the performance of minor automotive maintenance and repair, and the supplying of other incidental customer services and products, but not major automotive repairs, painting and body and fender work.

**Basement:** Means a portion of a building, not deemed a story, which has more than one half of its height (but not more than six feet) measured from finished floor to finished ceiling above the adjoining ground level grade.

**BIKEWAYS:** MEANS ANY ROAD, STREET, OR PATH WHICH IN SOME MANNER IS SPECIFICALLY DESIGNATED FOR THE USE OF BICYCLES OR FOR SHARED USE BY BICYCLES AND OTHER TRANSPORTATION MODES. THE TERM "BIKEWAY" INCLUDES BIKE LANE, BIKE PATH, AND BIKE ROUTE.

**BIKE LANE:** MEANS A PORTION OF A ROAD, STREET, OR SHOULDER WHICH HAS BEEN DESIGNATED FOR USE BY BICYCLISTS THROUGH THE APPLICATION OF A PAINT STRIPE.

**BIKE PATH:** MEANS A SEPARATE TRAIL OR PATH ON WHICH MOTOR VEHICLES ARE PROHIBITED AND WHICH IS FOR THE EXCLUSIVE USE OF BICYCLES OR THE SHARED USE OF BICYCLES AND PEDESTRIANS.

**BIKE ROUTE:** MEANS A SYSTEM OF BIKEWAYS DESIGNATED BY ROUTE MARKERS. BIKE ROUTES INCLUDE SHARED ROADWAYS OPEN TO MOTOR VEHICLES AND UPON WHICH NO BICYCLE LANE IS DESIGNATED.

**Boarding, lodging or rooming house:** Means a building or portion thereof without separate housekeeping facilities to be occupied, or which is occupied primarily by persons paying consideration for sleeping purposes where meals may or may not be provided.

**Buffer area:** Means a land area with space, landscaping, and other means sufficient to protect the uses in one zone from being offensive to the uses in another zone.

**Building:** Means a structure built for the support, shelter, or enclosure of any persons, animals, chattels, or property of any kind excepting uncovered patios or decks not exceeding 18 inches in height above the average grade of the adjoining ground.

**Building height:** Means the vertical distance measured from the adjoining street centerline grade, as established by the City, to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean height level between the eaves and ridge for a gable, hip, or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

**Building line:** Means a line that coincides with the front side of the main building.

**Cellar:** Means a room or group of rooms, usually under a building, which has more than one half of its height measured from finished floor to finished ceiling below the average grade of the adjoining ground.

**Church:** Means a structure used by a religious organization having a tax-exempt status.

## SECTION 100 - INTRODUCTORY PROVISIONS

**City:** Means the City of Milwaukie, Oregon.

**Commercial recreation:** Means an establishment where people pay for recreation including such types as health center, places with court games, dance halls, places with machine games, and so forth.

**Congregate housing facility:** Means a multi-dwelling-unit, permanent housing center with individual or common housekeeping facilities and services provided for residents who require or desire a more supportive living environment than typically available to residents in traditional apartment or single-family residential housing. These facilities may provide regular on-premise supervision by registered medical staff or care providers. Occupants of these facilities may include the elderly, disabled, handicapped, or other persons as defined in the Federal Fair Housing Amendments Act of 1988. Congregate housing facilities are permitted outright in all R-Zones which permit multifamily apartments and require conditional use approval in those R-Zones which allow multifamily uses conditionally. In each case, density standards of the zone shall determine number of units allowed.

**CORRIDOR DESIGN PLAN:** MEANS A PLAN WHICH ESTABLISHES SPECIAL DEVELOPMENT STANDARDS ALONG A TRANSPORTATION CORRIDOR. A CORRIDOR DESIGN PLAN IS ADOPTED AS PART OF THE COMPREHENSIVE PLAN AND IS IMPLEMENTED THROUGH OVERLAY ZONES.

**Day-care center:** Means any facility, institution, establishment, or place not a part of a school as defined in Section 103 and not meeting the definition of family day care, that provides day care to children not of common parentage, including day nurseries, nursery schools, preschools, day-care facilities, or similar units operating under any name for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward.

**Dormitory:** Means a room which is rented for sleeping purposes for more than four persons.

**Drinking establishment:** Means a tavern, bar, cocktail lounge, or other similar business establishment with the primary function of preparing and serving alcoholic beverages to the public for consumption on the premises. This establishment may or may not be in conjunction with an eating establishment.

**Dwelling unit:** Means one or more rooms designed for occupancy by one family, but excluding a recreational vehicle.

**Secondary Dwelling Unit:** Means a dwelling unit allowed in conjunction with another dwelling unit either by means of existing space or by means of an addition.

**Dwelling, single-family attached:** Means two or three houses, each occupied by one family, sharing common structural walls. Each dwelling and lot are under single ownership.

**Dwelling, single-family detached:** Means a house or a manufactured home normally occupied by one family with no structural connection to adjacent units. The dwelling and lot are usually under single ownership.

**Dwelling, town house:** Means four or more houses, usually two-story and each normally occupied by one family, sharing common structural walls. Each dwelling and lot are under single ownership or lots are under joint ownership.

**Dwelling, multifamily apartment:** Means a single structure containing four or more dwelling units, usually for rent.

## SECTION 100 - INTRODUCTORY PROVISIONS

**High-impact commercial businesses:** Means any such use that generates substantial traffic, or noise, or light, or irregular hours, or other negative impact on the community. Examples include, but are not limited to: drinking establishments, commercial recreation, adult entertainment businesses, theaters, hotels and motels.

**Home occupation:** Means an occupation normally carried on at a dwelling as an accessory use to the dwelling, with the activity conducted in such a manner as to give no appearance of a business, and with no infringement upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

**Horticulture:** Means the cultivation of plants, garden crops, trees, or nursery stock.

**Hotel:** Means a building or portion thereof designed or used for occupancy of transient individuals who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

**Housekeeping unit:** Means a living arrangement within a dwelling unit in which a single common kitchen facility, laundry facility, living and dining rooms, and other general living areas of the dwelling, and the duties, rights, and obligations associated with the performance of domestic tasks and management of household affairs, are shared by the residents by virtue of legal relationship or mutual agreement.

**Institution, higher educational:** Means a college or university, accredited by the State of Oregon.

**INSTITUTIONAL CAMPUS:** MEANS A MEDICAL OR EDUCATIONAL INSTITUTION AND ASSOCIATED USES. MEDICAL INSTITUTIONAL CAMPUSES INCLUDE MEDICAL CENTERS AND HOSPITALS. EDUCATIONAL INSTITUTIONAL CAMPUSES INCLUDE UNIVERSITIES, COLLEGES, HIGH SCHOOLS, AND OTHER SIMILAR INSTITUTIONS OFFERING COURSE OF STUDY LEADING TO A HIGH SCHOOL DIPLOMA OR DEGREE CERTIFIED BY A RECOGNIZED ACCREDITATION BODY. ASSOCIATED USES ON INSTITUTIONAL CAMPUSES MAY INCLUDE SOME COMMERCIAL AND LIGHT INDUSTRIAL USES, MAJOR EVENT ENTERTAINMENT, RESIDENTIAL, AND OTHER USES.

**Junkyard:** Means any establishment or place of business that is maintained, operated or used for storing, keeping, buying, or selling old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, wrecked, scrapped or ruined motor vehicles, or motor vehicle parts, iron, steel or other scrap or old ferrous or nonferrous material, metal or nonmetal materials, and the term includes automobile graveyards, garbage dumps and scrap metal processing facilities.

**Kennel:** Means any lot or premises on which four or more dogs, more than four months of age, are kept.

**Kitchen facility:** Means an area in which something is built, installed or established to prepare food for eating by a heating process.

**Landscaping:** Means vegetation and materials including but not limited to shrubs, grass, trees, planting beds, and bark dust.

**Livestock:** Means domestic animals, such as cattle, horses, sheep, hogs, or goats, raised for home use or for profit.

**Loading space:** Means an off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

## SECTION 100 - INTRODUCTORY PROVISIONS

**School, primary, elementary, junior high, or high:** Includes public, private or parochial but not nursery school, kindergarten or day nursery, except when operated in conjunction with a school.

**Senior, retirement, and handicapped housing:** Means a multiunit dwelling where persons who are of retirement age or who are handicapped, reside. Activity levels including traffic generation and parking of cars, is generally lower than for other types of housing. Common facilities for eating and activities may be provided; nursing care and medical supplies, and personal services may be provided on a limited basis. One person may own the entire complex or each dwelling unit may be owned separately as in a condominium. The dwelling units shall not have more than one bedroom per unit and shall not have more than 800 square feet per dwelling unit.

**Specified anatomical areas:** Means and includes any of the following:

- a. Less than completely and opaquely covered genitals, pubic region, buttock, anus or female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified sexual activities:** Means and includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in "a" through "c" of this definition.

**Story, half:** Means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

**Street:** Means the entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road", "highway", "lane", "place", "avenue", "alley", and other similar designations.

**Structure:** Means something constructed or built and having a fixed base or, fixed connection to, the ground or another structure. (Streets and utilities are excluded from this definition.)

**Temporary or transitional facility:** Means a facility which may provide temporary or transitional services to families or individuals including lodging where the average stay is 60 days or less. Such facilities shall be classified as Community Service Uses and may include shelters, community counseling centers, rehabilitation centers, and detention and detoxification facilities.

**Transition area:** Means an area where new town house and multifamily projects in R-3, R-2, and R-1 Zones that are adjacent to areas designated for lower densities have required transition measures.

**TRANSIT STOP:** MEANS A SITE DESIGNATED BY TRI-MET AS THE LOCATION AT WHICH A TRI-MET BUS OR LIGHT RAIL TRAIN WILL ACCEPT OR DISCHARGE PASSENGERS.

**TRANSIT STREET:** MEANS A STREET WITH EXISTING TRANSIT SERVICE OPERATING AT 20-MINUTE OR LESS PEAK HOUR FREQUENCY.



## SECTION 500

### OFF-STREET PARKING AND LOADING

#### 501 OFF STREET PARKING REQUIREMENTS

At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone in the city, off-street parking spaces shall be provided in accordance with the requirements of Section 501 and Section 503 unless greater requirements are otherwise established. The provisions of Section 500 do not apply to the C-C Zone, except for **BICYCLE PARKING REQUIREMENTS AND** portions of buildings over four stories. If the use of an existing structure or parcel is changed to a use with greater parking requirements, the requirements of this Section and Section 503 shall apply. If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if it would result in less than is required by this Section. Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of property, but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

##### 501.1 Residential uses - parking spaces required

- |    |   |  |
|----|---|--|
| A. | Single-family attached<br>Manufactured home<br>Single-family detached<br>For approved flag lots | Two spaces per dwelling unit, one of which must be covered. One additional off-street parking space per dwelling unit shall be located within any access strip or required paved turnaround area.                                      |
| B. | 4-11 dwelling units<br>Town house<br>Multifamily condominiums<br>Multifamily apartment          | Two spaces per unit. Over 12 dwelling units:<br>1.5 spaces - one bedroom<br>1.75 spaces - two bedrooms<br>2 spaces - three bedrooms<br>1 space - 10 feet by 25 feet for every 12 dwelling units for recreational vehicles, boats, etc. |
| C. | Rooming or boarding house, fraternity, motel, or tourist court                                  | One space per guest room or suite, plus one additional space per two employees.  |
| D. | Hotel   | One space per two guest rooms or suites, plus one space per two employees.   |
| E. | Mobile home park  | Two spaces per mobile home, one of which must be covered. One (1) space - 10 feet by 25 feet for every 10 dwelling units for recreational vehicles, boats, etc.  |

## SECTION 500 - OFF-STREET PARKING AND LOADING

13. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, and provide maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.
14. Service drives shall have a minimum clear vision area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 20 feet from their intersection.

### **504 BICYCLE PARKING**

#### **504.1 APPLICABILITY**

BICYCLE PARKING SHALL BE PROVIDED FOR ALL NEW COMMERCIAL, BUSINESS INDUSTRIAL (BI), COMMUNITY SERVICE (CSO), AND MULTIFAMILY DEVELOPMENT EXCEPT FOR TEMPORARY AND SEASONAL USES (E.G., FIREWORKS AND CHRISTMAS TREE STANDS), AND STORAGE UNITS. BICYCLE PARKING SHALL BE PROVIDED IN THE C-C ZONE.

#### **504.2 NUMBER OF SPACES**

THE NUMBER OF BICYCLE PARKING SPACES SHALL BE AT LEAST 10 PERCENT OF THE REQUIRED AUTOMOBILE PARKING FOR THE USE. IN NO CASE SHALL LESS THAN TWO SPACES BE PROVIDED.

#### **504.3 SPACE STANDARDS AND RACKS**

THE DIMENSION OF EACH BICYCLE PARKING SPACE SHALL BE A MINIMUM OF TWO AND ONE-HALF BY SIX FEET. A FIVE-FOOT-WIDE ACCESS AISLE MUST BE PROVIDED. IF SPACES ARE COVERED, SEVEN FEET OF OVERHEAD CLEARANCE MUST BE PROVIDED. BICYCLE RACKS MUST BE SECURELY ANCHORED AND DESIGNED TO ALLOW THE FRAME AND ONE WHEEL TO BE LOCKED TO A RACK USING A HIGH SECURITY, U-SHAPED, SHACKLE LOCK.

#### **504.4 LOCATION**

##### **A. BICYCLE PARKING FACILITIES SHALL BE:**

1. LOCATED WITHIN 50 FEET OF THE MAIN BUILDING ENTRANCE.
2. CLOSER TO THE ENTRANCE THAN THE NEAREST AUTOMOBILE PARKING SPACE.
3. DESIGNED TO PROVIDE DIRECT ACCESS TO A PUBLIC RIGHT-OF-WAY.
4. DISPERSED FOR MULTIPLE ENTRANCES.
5. IN A LOCATION THAT IS VISIBLE TO BUILDING OCCUPANTS OR FROM THE MAIN PARKING LOT.
6. DESIGNED NOT TO IMPEDE PEDESTRIANS ALONG SIDEWALKS OR PUBLIC RIGHT-OF-WAYS.
7. SEPARATED FROM VEHICLE PARKING AREAS BY CURBING OR OTHER SIMILAR PHYSICAL BARRIERS.

SECTION 500 - OFF-STREET PARKING AND LOADING

- B. THE PUBLIC RIGHT-OF-WAY MAY BE UTILIZED FOR BICYCLE PARKING WHEN PARKING CANNOT BE REASONABLY ACCOMMODATED ON THE SITE AND THE LOCATION IS CONVENIENT TO THE BUILDING'S FRONT ENTRANCE. IF A PUBLIC SIDEWALK IS USED FOR PARKING, A MINIMUM OF FOUR FEET OF CLEAR, UNOBSTRUCTED SIDEWALK MUST BE MAINTAINED.

504.5 COVERED PARKING

COVERED BICYCLE PARKING SHALL BE PROVIDED WHEN 10 PERCENT OR MORE OF AUTOMOBILE PARKING IS COVERED. IF MORE THAN 10 BICYCLE PARKING SPACES ARE REQUIRED, THEN A MINIMUM OF 50 PERCENT OF THE SPACES SHALL BE COVERED.

504.6 LIGHTING

LIGHTING SHALL BE PROVIDED IN BICYCLE PARKING AREAS TO ILLUMINATE FACILITIES AT LEAST AS WELL AS AUTOMOBILE PARKING AREAS.

505 CARPOOL AND VANPOOL PARKING

NEW INDUSTRIAL, INSTITUTIONAL, AND COMMERCIAL DEVELOPMENT WITH 50 OR MORE EMPLOYEES SHALL PROVIDE CARPOOL/VANPOOL PARKING. CARPOOL/VANPOOL PARKING SHALL BE PROVIDED FOR AT LEAST 10 PERCENT OF THE REQUIRED PARKING.

## SECTION 1000 - ADMINISTRATIVE PROVISIONS

### 1010 MANDAMUS AUTHORIZED

If the City of Milwaukie does not take action on an application for a permit or zone change within the 120-day time period, an applicant may apply in the Circuit Court of Clackamas County for a writ of mandamus to compel the City to either make a decision or show that the approval would violate a substantive provision of the City's Comprehensive Plan or land use regulations.

### 1011 PROCEDURES

#### **1011.1      Type I Administrative review**

A Type I procedure is an administrative process and the decision, based on the relevant standards, is made by the Community Development Director without a public hearing. Such decision is final for the purposes of review upon signing by the Director if all standards are met. Section 1001 provides for appeal of decision by the Community Development Director.

- A.    Notification. No notification is required.
- B.    Decision. A decision shall grant or deny the application. The decision will be made within 10 days of receipt of an application in the Community Development Department. An applicant will be notified by phone or by mail within 5 days of the decision. Any decision may be appealed to the Planning Commission per Section 1001 of the Zoning Ordinance.

#### **1011.2      Type II Administrative review**

A Type II procedure provides for an administrative decision with the option of a public hearing.

- A.    Public notification. Within 15 days of the receipt of an application, the Director will mail a Notice of Tentative Decision. This notice shall contain a description of the request and shall describe the tentative decision made by the Director, including findings and conclusions based on the applicable criteria. It will specify the deadline for submission to request a public hearing and provide for potentially affected persons to communicate concerns to the Director, who will take them into account in reaching a final decision on the application. The notice shall be mailed to the owner, applicant and all property owners within 150 feet of the outer boundaries of the site. The names and addresses used for this purpose shall be those shown on the current records of the County Assessor. At least 14 days shall be given from the date of the notice to state objections or request a public hearing. The notice shall also contain a listing of the applicable criteria upon which the decision was based.
- B.    Administrative action. If a public hearing is requested, the application shall follow the procedures of subsection 1011.3, Minor Quasi-Judicial review. The Director or the applicant may immediately request a public hearing if it appears that the application has potential for controversy or there is difficulty in applying the applicable criteria. If no request for a public hearing is received by the Community Development Director, the Director may grant the application, either with or without conditions, without a hearing, if applicable criteria are met. The applicant, property owner and all property owners within the

## SECTION 1400

### TRANSPORTATION PLANNING, DESIGN STANDARDS, AND PROCEDURES

#### 1401 PURPOSE

THE PURPOSE OF THIS SECTION IS TO PROVIDE STANDARDS AND PROCEDURES TO IMPLEMENT PROVISIONS OF THE STATE TRANSPORTATION PLANNING RULE (OAR 660, DIVISION 12) AND LOCAL, REGIONAL, AND STATE TRANSPORTATION PLANS.

#### 1402 APPLICABILITY

THE STANDARDS AND PROCEDURES OF SECTION 1400 SHALL APPLY TO ALL NEW COMMERCIAL, INDUSTRIAL, INSTITUTIONAL, AND MULTIFAMILY RESIDENTIAL DEVELOPMENT AND REDEVELOPMENT. ANY CONSTRUCTION, RENOVATION, EXPANSION, OR ALTERATION OF AN EXISTING USE OR PORTION OF A USE THAT IS NONCONFORMING, AND HAS A DEVELOPMENT PERMIT VALUE THAT EXCEEDS 50 PERCENT OF THE VALUE OF THE LAND, AS DETERMINED BY THE COUNTY ASSESSOR, WILL BE REQUIRED TO BRING THE PROPERTY INTO CONFORMANCE WITH THE STANDARDS OF THIS SECTION. PERMIT VALUE SHALL BE DETERMINED BY THE BUILDING OFFICIAL.

IF THE DEVELOPMENT PERMIT VALUE IS LESS THAN 50 PERCENT OF THE LAND VALUE, THEN AN AMOUNT EQUAL TO AT LEAST 10 PERCENT OF THE DEVELOPMENT PERMIT VALUE SHALL BE UTILIZED TO MEET THE REQUIREMENTS AND STANDARDS OF THIS SECTION. FOR EXAMPLE, IF A \$100,000 IMPROVEMENT IS PROPOSED FOR A SITE VALUED AT \$250,000, \$10,000 SHALL BE DEDICATED TO MEET THE REQUIREMENTS OF THIS ORDINANCE. IN ALL CASES, MEETING AT LEAST A PORTION OF THE BICYCLE PARKING REQUIREMENT SHALL BE CONSIDERED THE IMPROVEMENT OF FIRST PRIORITY IN ACCORDANCE WITH THIS ORDINANCE. IMPROVEMENTS SHALL BE CONSISTENT WITH DESIGN PRIORITIES SET FORTH IN THE APPLICABLE CORRIDOR DESIGN PLAN. IF NO CORRIDOR DESIGN PLAN HAS BEEN ADOPTED FOR THE SITE, IMPROVEMENTS SHALL FOCUS ON BICYCLE PARKING AND ENHANCING BICYCLE AND PEDESTRIAN ACCESS FROM THE RIGHT-OF-WAY TO THE BUILDING.

#### 1403 DEVELOPMENT REVIEW PROCESS

##### 1403.1 TYPE II PROCESS

UNLESS A CONCURRENT APPLICATION WILL REQUIRE MINOR OR MAJOR QUASI-JUDICIAL REVIEW, THE DEVELOPMENT REVIEW PROCESS SHALL BE CONDUCTED AS A TYPE II PROCESS AS SET FORTH IN SECTION 1000, ADMINISTRATIVE PROVISIONS.

##### 1403.2 COORDINATED REVIEW

IF A PROPOSED DEVELOPMENT IS WITHIN 200 FEET OF A STATE HIGHWAY, AN EXISTING TRANSIT ROUTE, OR AN ARTERIAL OR COLLECTOR STREET, NOTICE OF THE PROPOSAL SHALL BE PROVIDED TO THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT), TRI-MET, METRO, AND CLACKAMAS COUNTY FOR ALL DEVELOPMENT APPLICATIONS THAT ARE SUBJECT TO THE DEVELOPMENT REVIEW PROCESS OF SECTION 1400.

##### 1403.3 CONSOLIDATED REVIEW

DEVELOPMENT REVIEW ASSOCIATED WITH PROPOSED CITY-INITIATED TRANSPORTATION FACILITIES, SERVICES, AND IMPROVEMENTS SHALL BE CONDUCTED IN CONJUNCTION WITH OTHER JURISDICTIONS WHEN APPROPRIATE.

**SECTION 1400 - TRANSPORTATION PLANNING,  
DESIGN STANDARDS, AND PROCEDURES**

**1403.4 CRITERIA**

**CRITERIA FOR DEVELOPMENT REVIEW DECISIONS ARE AS FOLLOWS:**

- A. COMPLIANCE WITH STANDARDS AND PROCEDURES OF SECTION 1400.**
- B. COMPLIANCE WITH STANDARDS OF THE APPLICABLE ZONING DISTRICT (SECTION 300).**
- C. COMPLIANCE WITH SUPPLEMENTARY REGULATIONS (SECTION 400) AND PARKING STANDARDS (SECTION 500).**
- D. COMPLIANCE WITH STANDARDS AND POLICIES OF AN APPLICABLE CORRIDOR PLAN.**

**1404 ACCESS CONTROL STANDARDS AND GUIDELINES**

**ACCESS TO A DEVELOPMENT SITE SHALL BE CONSISTENT WITH AN ADOPTED CORRIDOR DESIGN PLAN FOR THE AREA. IF A CORRIDOR DESIGN PLAN HAS NOT BEEN ADOPTED, ACCESS SHALL BE CONSISTENT WITH APPLICABLE STANDARDS OF THE STATE HIGHWAY PLAN, THE APPLICABLE STANDARDS OF THE ZONING DISTRICT OR OVERLAY ZONE, OR THE APPLICABLE STANDARDS OR GUIDELINES ADOPTED AS PART OF THE TRANSPORTATION SYSTEM PLAN.**

**1405 TRANSPORTATION IMPROVEMENT STANDARDS**

**STANDARDS FOR SIDEWALKS, BIKE LANES, STREETS, PARK STRIPS, AND RIGHT-OF-WAY WIDTHS ARE INCLUDED IN TABLE 1405.**

**SECTION 1400 - TRANSPORTATION PLANNING,  
DESIGN STANDARDS, AND PROCEDURES**

**TABLE 1405  
TRANSPORTATION IMPROVEMENT STANDARDS**

	MAJOR ARTERIAL		MINOR ARTERIAL		COLLECTOR		LOCAL	
	RES./ IND.	COMM./ INST.	RES./ IND.	COMM./ INST.	RES./ IND.	COMM./ INST.	RES.	COMM./ INST./ IND.
R-O-W MINIMUM (SET-BACK SIDEWALK)	97'	101'	73'	77'	77'	79'	47'	65'
R-O-W MINIMUM (CURBED SIDEWALK)	89'	95'	65'	71'	69'	71'	39'	57'
PAVEMENT WIDTH	72'	72'	48'	48'	52'	52'	24'	40'
TRAVEL LANES (#)	5	5	3	3	2	2	1+	2
WIDTH	12'	12'	12'	12'	12'	12'	10'	12'
PARKING LANES (#)	NONE	NONE	NONE	NONE	NONE, 1 OR 2	NONE, 1 OR 2	2	NONE, 1 OR 2
WIDTH	-	-	-	-	8'	8'	7'	8'
BIKE LANES (#)	2	2	2	2	2	2	NONE	NONE
WIDTH	6'	6'	6'	6'	6'	6'	-	-
PARK STRIP (MINIMUM)	5'	5'	5'	5'	5'	5'	5'	5'
SIDEWALK:								
CURBED	7'	10'	7'	10'	7'	8'	6'	7'
SET BACK	6'	8'	6'	8'	6'	7'	5'	6'

**NOTES:**

RES.: RESIDENTIAL ZONES: R-10, R-7, R-5, R-3, R-2.5, R-2, R-1, PD  
IND.: INDUSTRIAL ZONES: M, BI  
COMM.: COMMERCIAL ZONES: R-1-B, R-O-C, C-N, C-L, C-C, C-G, C-CS, MC  
INST.: INSTITUTIONAL ZONE OVERLAY: CSO

1. R-O-W WIDTH INCLUDES AN ADDITIONAL 3' FOR CURB WIDTH (6" EACH) AND SPACE FOR CONSTRUCTION FORMS BEHIND SIDEWALKS (1' EACH).
2. THE NUMBER OF TRAVEL LANES FOR MAJOR AND MINOR ARTERIALS INCLUDES A CENTER TURN LANE OR MEDIAN STRIP.
3. MINIMUM R-O-W AND PAVEMENT WIDTHS ARE PROVIDED FOR STREETS WITH TWO PARKING LANES.

**1405.1**

**RIGHT-OF-WAY DEDICATION AND IMPROVEMENT**

RIGHT-OF-WAY SHALL BE DEDICATED AS PART OF THE DEVELOPMENT APPROVAL PROCESS. IMPROVEMENTS SHALL OCCUR CONCURRENT WITH DEVELOPMENT OR UNDER A DEVELOPMENT AGREEMENT APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR. WHERE THE RIGHT-OF-WAY WIDTH EXCEEDS THE MINIMUM NECESSARY FOR STANDARD IMPROVEMENTS, THE WIDTH OF THE PARK STRIP SHALL BE INCREASED, IF A PARK STRIP IS PROVIDED.

**SECTION 1400 - TRANSPORTATION PLANNING,  
DESIGN STANDARDS, AND PROCEDURES**

**1405.2 STREETS**

MAJOR AND MINOR ARTERIALS SHALL INCLUDE A LANDSCAPED MEDIAN. THE MEDIAN MAY BE BROKEN TO PROVIDE TURN LANES CONSISTENT WITH ACCESS STANDARDS.

**1405.3 BIKE LANES AND BIKEWAYS**

BIKE LANES AND BIKEWAYS SHALL BE PROVIDED IN ACCORDANCE WITH THE TRANSPORTATION SYSTEM PLAN. BIKE LANES SHALL BE SIX FEET WIDE AND SHALL BE PROVIDED FOR EACH DIRECTION OF TRAVEL ALLOWED ON THE STREET. EXCEPT AS AMENDED OR ALTERED BY THE TRANSPORTATION PLAN, BIKE LANES SHALL BE PROVIDED ALONG COLLECTOR AND ARTERIAL STREETS. BIKE LANES AND BIKEWAYS SHALL BE CONSTRUCTED CONSISTENT WITH ODOT BICYCLE PLAN STANDARDS.

**1405.4 SIDEWALKS**

SIDEWALKS SHALL BE PROVIDED ALONG BOTH SIDES OF PUBLIC STREETS. IN ALL AREAS EXCEPT THE C-C CENTRAL COMMERCIAL ZONE, C-L LIMITED COMMERCIAL ZONE, OR C-G GENERAL COMMERCIAL ZONE, SIDEWALKS SHALL BE SET BACK FROM THE CURB AND SHALL INCLUDE A PARK STRIP WHERE ADEQUATE RIGHT-OF-WAY EXISTS TO SATISFY THE CITY STANDARDS. IF ADEQUATE RIGHT-OF-WAY DOES NOT EXIST TO PROVIDE SET-BACK SIDEWALKS, CURB SIDEWALKS MAY BE PROVIDED. CURB SIDEWALKS SHALL HAVE A MINIMUM WIDTH OF EIGHT FEET AT TRANSIT STOPS. A SET-BACK SIDEWALK SHALL BE SEPARATED FROM THE CURB BY A PLANTING STRIP AT LEAST FIVE FEET IN WIDTH.

**1405.5 ADJUSTMENTS BY THE COMMUNITY DEVELOPMENT DIRECTOR**

THE COMMUNITY DEVELOPMENT DIRECTOR MAY ADJUST THE STANDARDS OF TABLE 1405 BY UP TO 10 PERCENT WHERE IT IS FOUND THAT ANY OF THE FOLLOWING CONDITIONS APPLY:

- A. THE EXISTING RIGHT-OF-WAY IS SUBSTANDARD; OR
- B. EXCEPTIONAL TOPOGRAPHIC CONDITIONS EXIST; OR
- C. SIGNIFICANT TREES OR VEGETATION WOULD BE REMOVED.

TO ENCOURAGE SET-BACK SIDEWALKS, THE COMMUNITY DEVELOPMENT DIRECTOR MAY ADJUST BUILDING FRONT YARD REQUIREMENTS BY UP TO 25 PERCENT.

**1406 INTERNAL CONNECTIONS**

**1406.1 GENERAL WALKWAY STANDARDS**

WALKWAYS FROM THE PUBLIC RIGHT-OF-WAY OR ADJOINING DEVELOPMENT SHALL BE DESIGNED TO CONNECT WITH INTERNAL CIRCULATION PATTERNS WITHIN BUILDINGS. WALKWAYS SHALL BE AS DIRECT AS POSSIBLE AND SHALL LIMIT OUT-OF-DIRECTION TRAVEL TO NOT MORE THAN 100 FEET OR 50 PERCENT OF THE TOTAL DISTANCE OF THE CONNECTION, WHICHEVER IS LESS. THE WALKWAYS SHALL BE PAVED WITH A HARD SURFACE MATERIAL AND SHALL BE NO LESS THAN FIVE FEET IN WIDTH. IF ADJACENT TO A PARKING AREA WHERE VEHICLES WILL OVERHANG THE WALKWAY, A SEVEN-FOOT-WIDE WALKWAY SHALL BE PROVIDED. THE WALKWAYS SHALL BE SEPARATED FROM PARKING AREAS AND INTERNAL DRIVEWAYS USING CURBING, LANDSCAPING, OR DISTINCTIVE PAVING MATERIAL.



**SECTION 1400 - TRANSPORTATION PLANNING,  
DESIGN STANDARDS, AND PROCEDURES**

**1406.2 CONNECTIONS TO THE RIGHT-OF-WAY**

**EVERY COMMERCIAL, OFFICE, AND INSTITUTIONAL BUILDING SHALL INCLUDE A PEDESTRIAN WALKWAY CONNECTED TO THE PUBLIC RIGHT-OF-WAY. A WALKWAY SHALL BE PROVIDED FOR EVERY 300 FEET OF STREET FRONTAGE.**

**1406.3 CONNECTIONS BETWEEN DEVELOPMENTS**

**OPPORTUNITIES FOR AT LEAST ONE PEDESTRIAN WALKWAY AND ONE POTENTIAL VEHICULAR CONNECTION SHALL BE PROVIDED BETWEEN ADJACENT COMMERCIAL, OFFICE, AND INSTITUTIONAL DEVELOPMENT. IF CONNECTIONS ARE CURRENTLY NOT AVAILABLE, THEN PLANNED CONNECTIONS SHALL BE DESIGNED TO PROVIDE AN OPPORTUNITY TO CONNECT ADJOINING DEVELOPMENTS.**

**1407 TRANSIT STOPS**

**WHEN REQUESTED BY TRI-MET, IMPROVEMENTS AT TRANSIT STOPS SHALL BE REQUIRED FOR THE FOLLOWING DEVELOPMENT TYPES:**

**1407.1 RESIDENTIAL DEVELOPMENT GENERATING AVERAGE DAILY TRAFFIC OF 250 TRIPS OR GREATER.**

**1407.2 COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL DEVELOPMENT GENERATING AVERAGE DAILY TRAFFIC OF 1,000 TRIPS OR GREATER.**

**WHEN REQUESTED BY TRI-MET, DEVELOPMENTS ALONG ARTERIAL OR COLLECTOR STREETS SHALL PROVIDE TRI-MET WITH AN 11-FOOT EASEMENT ALONG THE STREET FRONTAGE FOR TRANSIT STOPS IN ADDITION TO RIGHT-OF-WAY. THE EASEMENT SHALL EXTEND THE LENGTH OF THE TRANSIT STOP.**

**1408 BUILDING ORIENTATION**

**THE FOLLOWING REQUIREMENTS APPLY TO ALL NEW COMMERCIAL, OFFICE, AND INSTITUTIONAL DEVELOPMENT WITHIN 600 FEET OF AN EXISTING OR PLANNED TRANSIT ROUTE MEASURED ALONG THE PUBLIC PEDESTRIAN WAY THAT PROVIDES DIRECT ACCESS TO THE TRANSIT ROUTE:**

**1408.1 ORIENTATION TO A TRANSIT STREET**

**RATHER THAN ORIENT TO A PARKING AREA, NEW BUILDINGS SHALL HAVE THEIR PRIMARY ORIENTATION TOWARD A TRANSIT STREET OR, IF NOT ADJACENT TO A TRANSIT STREET, A PUBLIC RIGHT-OF-WAY WHICH LEADS TO A TRANSIT STREET. THE PRIMARY BUILDING ENTRANCES SHALL BE VISIBLE FROM THE STREET AND SHALL BE DIRECTLY ACCESSIBLE FROM A SIDEWALK CONNECTED TO THE PUBLIC RIGHT-OF-WAY. A BUILDING MAY HAVE MORE THAN ONE MAIN ENTRANCE. IF THE DEVELOPMENT HAS FRONTAGE ON MORE THAN ONE STREET WITH TRANSIT, THE BUILDING NEED ONLY HAVE ONE MAIN ENTRANCE ON THE STREET WITH TRANSIT.**

**SECTION 1400 - TRANSPORTATION PLANNING,  
DESIGN STANDARDS, AND PROCEDURES**

**1408.2        MAXIMUM SETBACKS**

IF A SITE IS ADJACENT TO A STREET SERVED BY TRANSIT, NEW COMMERCIAL, OFFICE, OR DEVELOPMENT APPROVED THROUGH A COMMUNITY SERVICE OVERLAY REVIEW SHALL BE SET BACK NOT MORE THAN 30 FEET FROM THE STREET RIGHT-OF-WAY PROVIDED THE PROPERTY SHAPE ALLOWS FOR SUCH ORIENTATION. BUILDINGS MAY BE SET BACK MORE THAN 30 FEET PROVIDED THE BUILDING IS PART OF A PHASED DEVELOPMENT THAT WILL RESULT IN A FUTURE BUILDING THAT MEETS THE SETBACK STANDARD. IF THE SITE ABUTS MORE THAN ONE STREET SERVED BY TRANSIT, THEN THE MAXIMUM SETBACK REQUIREMENT NEED ONLY APPLY TO ONE STREET. FOR MULTIPLE BUILDING SITES, THE MAXIMUM SETBACK FROM A STREET WITH TRANSIT TO A PUBLIC ENTRANCE OF THE PRIMARY BUILDING SHALL BE 100 FEET. FOR INSTITUTIONAL CAMPUSES, EXCEPTIONS TO THESE REQUIREMENTS MAY BE GRANTED BY THE COMMUNITY DEVELOPMENT DIRECTOR.

**1409    REDEVELOPMENT**

WITHIN 400 FEET OF A TRANSIT ROUTE, THE NUMBER OF REQUIRED PARKING SPACES AT AN EXISTING USE MAY BE REDUCED BY UP TO 20 PERCENT TO PROVIDE A TRANSIT STOP AND RELATED AMENITIES INCLUDING PLAZAS, SEATING AREAS, AND LANDSCAPING. LANDSCAPING SHALL NOT EXCEED 25 PERCENT OF THE TOTAL AREA DEDICATED FOR TRANSIT-ORIENTED USES.

ZA-94-02A: Amendments to the  
Subdivision Ordinance  
(6 pages)

**BOLD CAPS** = Proposed new text

~~Strikeout~~ = Proposed deleted text

PRELIMINARY PLAT

- E. Approximate location of areas subject to inundation or stormwater overflow with approximate high-water elevation. Location, width, direction, and flow of all watercourses on or abutting the tract;
- F. Natural features, such as rock outcroppings, marshes, wooded areas, and isolated preservable trees, including type and caliper;
- G. Floodway and floodplain boundary.

17.16.050. Proposed plan of land partitioning. The following information shall be included on the preliminary plat:

- A. The location, width, name, and approximate centerline grade and curve radii of all streets; the relationship of all streets to any projected streets as planned by the City; if road will continue beyond plat, an existing ground and finished grade profile;
- B. The location, width, and purpose of easements;
- C. The location, approximate dimensions, and area of all lots;
- D. Lot and block numbers;
- E. Proposed use of the property, including sites, if any, for multifamily dwellings, shopping center, churches, industry, parks, schools, playgrounds, or public or semipublic uses.

17.16.060. Partial development. Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the Planning Commission may require a sketch of a tentative layout for streets and utilities in the unsubdivided portion.

17.16.070. Supplemental information. The following information shall be submitted with the preliminary plat:

- A. A vicinity map shall be drawn at a scale of one inch equals four hundred feet, showing all existing subdivisions, streets, and unsubdivided land ownership between the proposed subdivision and the nearest existing arterial or collector streets and showing how proposed streets may be extended to connect with existing streets. **AT A MINIMUM, THE VICINITY MAP SHALL DEPICT FUTURE STREET CONNECTIONS FOR LAND WITHIN 400 FEET OF THE SUBJECT PROPERTY;**
- B. **PEDESTRIAN WAYS. IN ANY BLOCK OVER 600 FEET IN LENGTH BETWEEN INTERSECTING STREET LINES, A PEDESTRIAN WAY WITH A MINIMUM RIGHT-OF-WAY WIDTH OF 15 FEET SHALL BE IMPROVED TO A MINIMUM WIDTH OF TEN FEET AND PAVED WITH A HARD SURFACE MATERIAL. IN NEW DEVELOPMENTS, PEDESTRIAN WAYS SHALL NOT BE CONSIDERED AS A SUBSTITUTE FOR A FULL STREET CONNECTION THAT PROVIDES ACCESS FOR MOTOR VEHICLES, BICYCLES, AND PEDESTRIANS. WHEN DESIRABLE FOR PUBLIC CONVENIENCE, PEDESTRIAN WAYS MAY BE REQUIRED TO CONNECT TO CUL-DE-SACS OR TO PASS THROUGH ODDLY SHAPED BLOCKS. THE SUBDIVIDER SHALL INSTALL SIDEWALKS THROUGH ALL PEDESTRIAN WAYS IN CONFORMITY WITH STANDARDS OF THE CITY.**
- BC. Proposed deed restrictions, if any, in outline form;
- CD. Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed

## CHAPTER 17.28. DESIGN STANDARDS

17.28.010. Conformity of subdivision. The subdivision shall conform with any development plans of the City and shall take into consideration any preliminary plans made in anticipation thereof. The subdivision shall conform with the requirements of State laws and with the standards established by the City.

### 17.28.020. Streets.

- A. General. The location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land served by the streets. The street system shall assure an adequate traffic circulation system. Intersection angles, grades, tangents, and curves shall be appropriate for the traffic to be carried and to the terrain. Where their location is not shown in a development plan, the arrangement of streets in a subdivision shall either:
1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
  2. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
- B. ~~Right-of-way. Unless otherwise indicated on the development plan, the width of streets shall be as follows:~~

<del>Type of Street</del>	<del>Width in Feet</del>
<del>Major arterial street</del>	<del>80-100</del>
<del>Minor arterial street</del>	<del>60-80</del>
<del>Commercial or industrial access street</del>	<del>60</del>
<del>Collector</del>	<del>60</del>
<del>Local</del>	<del>50-60</del>
<del>Radius for turnaround at end of cul-de-sac</del>	<del>40</del>
<del>Alleys</del>	<del>20</del>

TRANSPORTATION IMPROVEMENTS. TRANSPORTATION IMPROVEMENTS SHALL MEET THE FOLLOWING STANDARDS LISTED IN TABLE 6.02.

# DESIGN STANDARDS

**TABLE 6.02  
TRANSPORTATION IMPROVEMENT STANDARDS**

	MAJOR ARTERIAL		MINOR ARTERIAL		COLLECTOR		LOCAL	
	RES./ IND.	COMM./ INST.	RES./ IND.	COMM./ INST.	RES./ IND.	COMM./ INST.	RES.	COMM./ INST./ IND.
R-O-W MINIMUM (SET-BACK SIDEWALK)	97'	101'	73'	77'	77'	79'	47'	65'
R-O-W MINIMUM (CURBED SIDEWALK)	89'	95'	65'	71'	69'	71'	39'	57'
PAVEMENT WIDTH	72'	72'	48'	48'	52'	52'	24'	40'
TRAVEL LANES (#)	5	5	3	3	2	2	1+	2
WIDTH	12'	12'	12'	12'	12'	12'	10'	12'
PARKING LANES (#)	NONE	NONE	NONE	NONE	NONE, 1 OR 2	NONE, 1 OR 2	2	NONE, 1 OR 2
WIDTH	-	-	-	-	8'	8'	7'	8'
BIKE LANES (#)	2	2	2	2	2	2	NONE	NONE
WIDTH	6'	6'	6'	6'	6'	6'	-	-
PARK STRIP (MINIMUM)	5'	5'	5'	5'	5'	5'	5'	5'
SIDEWALK:								
CURBED	7'	10'	7'	10'	7'	8'	6'	7'
SET BACK	6'	8'	6'	8'	6'	7'	5'	6'

## NOTES:

RES.: RESIDENTIAL ZONES: R-10, R-7, R-5, R-3, R-2.5, R-2, R-1, PD  
IND.: INDUSTRIAL ZONES: M, BI  
COMM.: COMMERCIAL ZONES: R-1-B, R-O-C, C-N, C-L, C-C, C-G, C-CS, MC  
INST.: INSTITUTIONAL ZONE OVERLAY: CSO

1. R-O-W WIDTH INCLUDES AN ADDITIONAL 3' FOR CURB WIDTH (6" EACH) AND SPACE FOR CONSTRUCTION FORMS BEHIND SIDEWALKS (1' EACH).
2. THE NUMBER OF TRAVEL LANES FOR MAJOR AND MINOR ARTERIALS INCLUDES A CENTER TURN LANE OR MEDIAN STRIP.
3. MINIMUM R-O-W AND PAVEMENT WIDTHS ARE PROVIDED FOR STREETS WITH TWO PARKING LANES.

Where existing conditions, particularly the topography or the size and shape of land parcels, make it otherwise impractical to provide buildable lots, the Planning Commission may accept a narrower right-of-way. If necessary, slope or utility easements may be required.

## DESIGN STANDARDS

- C. Reserve strips. Reserve strips controlling the access to streets will not be approved unless they are necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.
- D. Alignment. All streets other than access streets or cul-de-sacs as far as practical shall be in alignment with existing streets by continuations of the centerline thereof. In the case of access streets, jogs creating "T" intersections shall have centerline offsets of not less than two hundred fifty feet.
- E. Future extension of streets. Where necessary to give access to or permit satisfactory future subdivision of adjoining land in the opinion of the Planning Commission, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Consideration shall be given to grades permitting continuation. Reserve strips may be required to preserve the objectives of street extensions.
- F. Intersection angles. Streets shall be laid out to intersect at an angle as near to a right angle as practical, but in no case less than sixty degrees, unless there is a special intersection design. Right-of-way lines at street intersections shall have a minimum corner radius of fifteen feet.
- G. Existing streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.
- H. Half-streets. Half-streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to protect the objectives of a half-street.
- I. Cul-de-sacs. ~~A cul-de-sac shall have a maximum length of six hundred feet. All cul-de-sacs shall terminate with a turnaround.~~ **CUL-DE-SACS SHALL ONLY BE PROVIDED WHEN NO OPPORTUNITY EXISTS FOR CREATING A THROUGH STREET CONNECTION. A STREET ENDING IN A CUL-DE-SAC SHALL HAVE A MAXIMUM LENGTH OF 400 FEET, MEASURED FROM THE CROSS STREET RIGHT-OF-WAY TO THE END OF THE CUL-DE-SAC.**
- J. Street names. No street name may be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the Planning Commission.
- K. Street grades. Grades shall not exceed six percent on arterial streets, three percent on minor arterial streets, ten percent on collectors and fifteen percent on local or any other street or driveway. In flat areas allowances shall be made for finished street grades having a minimum slope of 0.5 percent.

## DESIGN STANDARDS

- L. Street curves. Centerline radii of curves shall not be less than three hundred feet on arterial streets, one hundred fifty feet on collector streets, or seventy-five feet on other streets. On arterial streets there shall be a tangent of not less than one hundred feet between curves.
- M. Streets adjacent to railroad right-of-way. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way, provision shall be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with the due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen plantings along the railroad right-of-way.
- N. Frontage streets. Where a subdivision abuts or contains an arterial street, the Planning Commission may require frontage streets, reverse frontage lots with suitable depth, screen plantings contained in a nonaccess reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- O. Alleys. Alleys may be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the Planning Commission. Alley intersections and sharp changes in alignment shall be avoided, but where necessary corners shall be cut off sufficiently to permit safe vehicular movement.
- P. Lots in subdivisions shall be arranged so that driveways to less than four lots shall not be allowed unless it can be shown no other alternative is possible.

### 17.28.030. Blocks.

- A. General. The length, width, and shape of blocks shall take into account the need for adequate lot size, convenient access, circulation, and traffic safety, and shall recognize the limitations of the topography.
- B. Size. No block may be more than eight hundred feet in length between intersecting streetlines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. **THE AVERAGE PERIMETER OF BLOCKS FORMED BY STREETS SHALL NOT EXCEED 1,600 FEET, EXCEPT WHERE STREET LOCATION IS RESTRICTED BY NATURAL TOPOGRAPHY, WETLANDS, OR OTHER BODIES OF WATER.**

### 17.28.040. Easements.

- A. Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall be at least ten feet wide and centered on rear or side lot lines.

## DESIGN STANDARDS

- B. Watercourses. If a subdivision is traversed by a watercourse such as a drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the watercourse, and such further width as will be adequate for the purpose of including construction and maintenance. Streets, parkways, bicycle ways or pedestrian ways parallel to major watercourses may be required.
- C. Pedestrian ways. ~~In any block in any block over seven hundred feet in length between intersecting streetlines, a pedestrian way with a minimum width of ten feet shall be provided through the block near the middle. Long blocks abutting and parallel to arterial streets may be approved without pedestrian ways.~~ IN ANY BLOCK OVER 600 FEET IN LENGTH BETWEEN INTERSECTING STREET LINES, A PEDESTRIAN WAY WITH A MINIMUM RIGHT-OF-WAY WIDTH OF 15 FEET SHALL BE IMPROVED TO A MINIMUM WIDTH OF TEN FEET AND PAVED WITH A HARD SURFACE MATERIAL. IN NEW DEVELOPMENTS, PEDESTRIAN WAYS SHALL NOT BE CONSIDERED AS A SUBSTITUTE FOR A FULL STREET CONNECTION THAT PROVIDES ACCESS FOR MOTOR VEHICLES, BICYCLES, AND PEDESTRIANS. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through oddly shaped blocks. The subdivider shall install sidewalks through all pedestrian ways in conformity with standards of the City.

### 17.28.050. Lots.

- A. Size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. Minimum lot standards shall conform to the City Zoning Ordinance. In areas that are not served by a public sewer, minimum lot sizes shall be not less than the requirements for the proper installation of a sewage disposal system before a building permit will be issued.
- B. Access. Each lot shall abut upon a public street other than an alley for a width of at least thirty-five feet except for flag lots and lots for interior dwellings of single-family attached, town house, and condominium complexes.
- C. Lot sidelines. The sidelines of lots, as far as practicable, shall run at right angles to the street upon which the lots face, or on curved streets, shall be radial to the curve.
- D. Double frontage. Double frontage and reversed frontage lots should be avoided except where essential to provide separations of residential development from railroads, traffic arteries, adjacent nonresidential uses, or to overcome specific disadvantages of topography and orientation.

### 17.28.060. Public open spaces.

- A. Due consideration shall be given by the subdivider to the allocation of suitable areas for schools, parks, and playgrounds to be dedicated for public use.
- B. Where a proposed park, playground, or other public use shown in a development plan adopted by the City is located in whole or in part in a subdivision, the Planning Commission may require the dedication or reservation of such area within the subdivision.